

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOSEPH TAYLOR,)
)
)
Plaintiff,)
v.) 1:11-cv-1436-JMS-DKL
)
CORIZON, INC., et al.,)
)
)
Defendants.)

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The motions for appointment of counsel [dkt. 100 and dkt. 102] are denied as having been filed in the wrong forum.
2. The plaintiff's request to proceed on appeal *in forma pauperis* [dkt. 101] is **denied**. The reason for this ruling is that he is ineligible for this statute because of having acquired three or more "strikes" through having litigation to which he was a party in a federal court dismissed for failure to state a claim upon which relief could be granted or as frivolous.¹ Therefore, he is not entitled to proceed *in forma pauperis* unless the exception under 28 U.S.C. §

¹ In *Evans v. Illinois Department of Corrections*, 150 F.3d 810 (7th Cir. 1998), it was noted that a prisoner-litigant in these circumstances is entitled to know the cases the court relies on when making the three-strikes determination. For the plaintiff's reference, the cases on which the court relies in finding three or more "strikes" consist of the following:

Taylor v. City of New Albany, No. IP 91-607-C (S.D.Ind. September 27, 1991)(dismissal of action as frivolous)
Taylor v. Gustafson, No. IP 91-1251-C (S.D.Ind. November 14, 1991)(dismissal of action as frivolous)
Taylor v. Faith, No. IP 92-1426-C (S.D.Ind. October 27, 1992)(dismissal of action as frivolous)
Taylor v. Faith, No. IP 91-1734-C (S.D.Ind. January 14, 1992)(dismissal of action as frivolous)

1915(g), that he “is under imminent danger of serious physical injury,” applies. The Seventh Circuit has explained that “imminent danger” requires a “real and proximate” threat or prison condition. *See Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003). The court has considered the record under review, as well as the request to proceed on appeal *in forma pauperis*, and finds that he is not under imminent danger of serious physical injury insofar as that term is used in 28 U.S.C. § 1915(g).

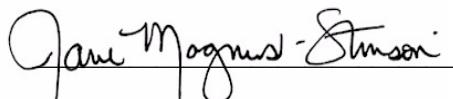
IT IS SO ORDERED.

Date: 11/20/2013

Distribution:

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All Electronically Registered Counsel



Hon. Jane Magnus-Stinson
United States District Court
Southern District of Indiana